

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RAPHAEL F. ENCINGER JR., the)
“Asian” Fox, USM/Ret. Med,)
)
Petitioner,)
)
v.)
)
STATE OF NEBRASKA,)
)
Respondent.)

4:08CV3009

**MEMORANDUM
AND ORDER**

On December 6, 2007, the court received a submission from the Petitioner. The Clerk of the court returned this submission to Petitioner on December 7, 2007, because: (1) the court could not ascertain what the party was requesting; (2) the submission did not indicate in which case the materials should be filed; and (3) the submission did not appear to be in the form required by Federal Rule of Civil Procedure 10 or the Local Rules of the court. In addition, the Clerk attached the Form AO241 packet, Petition for Relief From a Conviction or Sentence By a Person in State Custody.

On January 16, 2008, Petitioner filed this Petition for a Writ of Habeas Corpus. (Filing No. 1.) Petitioner used the Form AO241 packet and attached a Supplement. Upon review, Petitioner has failed to state a factual or legal basis for his claims. However, on its own motion, the court will permit Petitioner another chance to state a factual or legal basis for his claims. However, the court cautions Petitioner that failure to adequately state a claim by April 7, 2008 will result in dismissal of the Petition without further notice.

IT IS THEREFORE ORDERED that:

1. Petitioner shall have until April 7, 2008 to adequately state a factual and legal basis for his claims on Form AO241, and in the absence of an adequate amendment, this matter will be dismissed without prejudice and without further notice.

2. The Clerk of the court is directed to send to Petitioner the Form AO241 packet, Petition for Relief From a Conviction or Sentence By a Person in State Custody.

3. The Clerk of the court is directed to set a pro se case management deadline in this case with the following text: April 7, 2008: check for filing of amended petition and dismiss if none filed.

March 7, 2008.

BY THE COURT:

s/Richard G. Kopf
United States District Judge